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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

v.

10 MICHELLE L. ROBINSON,

11 Defendant.

CASE NO. CR16-5307 BHS-5

ORDER APPOINTING COUNSEL

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13 This matter comes before the Court on attorney James Feldman's ("Feldman")
14 request to be appointed as counsel for Defendant Michelle Robinson ("Robinson").
15 Robinson was sentenced to a term of incarceration by the undersigned in 2017. Dkt. 323.
16 In an ex-parte letter dated June 3, 2019, Feldman requested the Court appoint him to
17 represent Robinson on a motion for early release from custody. Feldman explains that in
18 mid-May of this year, the Court forwarded Feldman a letter from Robinson's aunt
19 requesting Robinson's early release due to untreated medical problems related to a brain
20 tumor. *See* Dkt. 392. Feldman further explains that he met with Robinson and learned
21 that the tumor requires surgery, which has either been delayed or denied by the Federal
22 Bureau of Prisons ("BOP"). Robinson thus asked Feldman to file a motion for

1 compassionate release on her behalf. Feldman’s letter to the Court requesting this
2 appointment followed.

3 In 1984, Congress authorized compassionate release from prison under the criteria
4 found in 18 U.S.C. § 3582(c)(1)(A). On December 21, 2018, Congress enacted the First
5 Step Act of 2018, Pub. L. No. 115-015, 132 Stat. 015 (2018). In relevant part, the First
6 Step Act amended § 3582(c)(1)(A)’s criteria so that courts may now consider
7 compassionate release motions brought by defendants who have first exhausted certain
8 administrative remedies within the BOP, as well as compassionate release motions
9 initiated by the BOP. 18 U.S.C. § 3582 (c)(1)(A).

10 On April 11, 2019, Chief District Judge Ricardo Martinez issued General Order
11 03-19 regarding appointment of counsel for defendants seeking relief under of the First
12 Step Act. *See* General Order No. 03-19,
13 [https://www.wawd.uscourts.gov/sites/wawd/files/GO%20in%20re%20motions%20for%20](https://www.wawd.uscourts.gov/sites/wawd/files/GO%20in%20re%20motions%20for%20sentence%20reduction%20compassionate%20release.pdf)
14 [0sentence%20reduction%20compassionate%20release.pdf](https://www.wawd.uscourts.gov/sites/wawd/files/GO%20in%20re%20motions%20for%20sentence%20reduction%20compassionate%20release.pdf) (last visited June 14, 2019).
15 Pursuant to the Order, the Court should appoint the Federal Public Defender to “represent
16 for screening purposes” any indigent defendant who was previously appointed counsel,
17 “to determine whether that defendant may qualify for relief under . . . Section 603
18 [compassionate release] of the First Step Act, and to present any petitions, motions or
19 applications relating thereto to the Court for disposition.” General Order 03-19 at 1.
20 Under the plain language of the Order, the Court appoints counsel for Robinson to (1)
21 determine her eligibility for relief; and (2) present any motion to the Court for
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1 disposition.¹ Additionally, the Court finds good cause to appoint Feldman, who
2 represented Robinson during the underlying criminal case, in lieu of the Federal Public
3 Defender. The Clerk shall file Feldman's June 3, 2019, letter and the accompanying CJA
4 panel appointment form in the electronic docket for this case.

5 **IT IS SO ORDERED.**

6 Dated this 17th day of June, 2019.

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9 BENJAMIN H. SETTLE
United States District Judge

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¹ Feldman filed a compassionate release motion on June 10, 2019. Dkt. 394. The United
22 States of America responded on June 14, 2019. Dkt. 398. The Court expresses no opinion as to
the potential merits of the motion, which is not ripe for consideration until June 21, 2019.